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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,123	11/03/2003	Raymond Leonard Conway	RLC-1	3715
7590	09/03/2004		EXAMINER	
RAYMOND L. CONWAY				LEE, KYUNG S
4490 Stratford Ct.				
Batavia, OH 45103				
				ART UNIT
				PAPER NUMBER
				2832

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/700,123	CONWAY, RAYMOND LEONARD	
	Examiner Kyung S. Lee	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 June 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5,7,8,11-13 and 15 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5,7,8,11-13 and 15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant has cancelled claims 4, 6, 9-10 and 14. Claims 1-3, 5, 7-8, 11-13 and 15 are currently pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-3, 8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glick (4,063,110) in view of Balkwill et al. (4,408,695).

Glick teaches an electrical box comprising:

a bottom (see figs. 1 and 2);

a plurality of adjacent walls;

a top hingedly joined to a top edge of one wall;

at least one conductor opening 25 adjacent to the top edge for receiving at least one conductor; and

the opening being at least partially defined by the top when the top is closed.

Glick teaches the claimed invention except for the “frangible portion” (please see Response to Arguments below).

Balkwill et al. teaches an electrical box 10 (fig. 1) having frangible portion 48 to be “removed from the opening where needed or desired” (col. 2, line 60) to provide conductor opening to the box 10.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the electrical box of Glick with the frangible portion as taught by Balkwill et al., since the frangible portion of Balkwill et al. would provide the electrical box of Glick with easily removable conductor opening as needed or desired.

Regarding claims 2 and 3, the top is unitary with a top edge of the sidewall (see fig. 1) by a hinge, the hinge being a living hinge.

3. Claims 5, 7, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glick in view of Balkwill et al. as applied to claims 1 and 8 above, and further in view of Erickson (5,245,507).

Glick and Balkwill et al. teach the claimed invention except for the opening and the open box perimeter including a pliable seal.

Erickson teaches providing a seal 34 (fig. 3) for an opening to an electrical box. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the opening of Glick and Balkwill et al.'s box with the pliable seal as taught by Erickson. Since the pliable seal of Erickson would provide the box of Glick (and Balkwill et al.) with weather resistance (see abstract of Erickson).

Response to Arguments

4. Applicant's arguments with respect to claims 1-3, 5, 7-8, 11-13 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Applicants, in Remarks, dated June 17, 2004, have pointed to page 7 of the specification where the "frangible portion" is intended to be frangibly separated opening for a conductor.

Applicants argue Glick does not disclose such "portion." New grounds of rejection address the claimed "portion."

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung S. Lee whose telephone number is (571) 272-1994. The examiner can normally be reached on M-F 5:30AM to 2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyung S. Lee
Examiner
Art Unit 2832



8/31/04